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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/035,557

Applicant(s)

DAVIDSSON, MARCUS

Examiner

SON P. HUYNH

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 36-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 36-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-33, 36-43 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues the combination of cited arts fails to disclose "selecting a specific instance of a broadcast in an electronic program guide" and "visually associating with the selected specific instance of the broadcast program a user identifier in the electronic programming guide in response to the user selection" because in "E355", these user identifiers are placed in the electronic program guide automatically as a function of a user separately specified preferences, and not in response to selection of a specific instance of a broadcast program from within the electronic program guide (which electronic programming guide, claim 1 recites "lists a plurality of specific instances of scheduled broadcast program in relation to respective unique scheduled times and channels") (pages 13-14, bridge paragraph; page 15). This argument is respectfully traversed.

Ellis discloses program guide implemented on set top box provides various options that allow the user to specify which different preference attributes are to be used in presenting television program listing information to the user. Such option may be provided in the form of **clickable menu item**, drop down lists, or **other suitable format**

(E533: col. 6, lines 14-25). Ellis further discloses clickable menu item or other suitable format including selecting a specific reference attribute/specific program on program guide listing a plurality of specific instances (e.g., titles) of scheduled broadcast programs in relation to respective unique scheduled times and channels (see include, but are not limited to, E355: figures 19, 22, col. 10, lines 7-17, col. 13, lines 9-57; E744: figures 6-8, 16a-16c; E988: figures 14b-14c). Ellis further discloses program guide client keeps track of all the viewer's activities including viewing history, recording selection, etc. and these information are used in viewer's profile and/or viewer preferences to display programs in program guide and for recording future programs (see include, but are not limited to, E744: paragraphs 0107-0110; E988: figures 5, 18f; paragraphs 0087, 0090, 0114, 0126). Thus, Ellis discloses or suggests "selecting a specific instance of a broadcast program in an electronic program guide" (interpreted as selecting a specific title, or program identifier, etc., of a broadcast program in an electronic program guide for reference setting and/or recording); and "visually associating with the selected specific instance of the broadcast program a user identifier in the electronic programming guide in response to the user selection" (interpreted as associated user name/user identifier with the title, or program identifier, etc. in the program guide, wherein the title or program identifier, etc. in response to selection of preference including selection of schedule for recording (see include, but are not limited to, E355: figures 24-25, E988: paragraphs 0087, 0090, 0114, 0126, 0142, 0149).

In addition, the phrase "visually associating...a user identifier." as claimed, does not functionally change Ellis's system over how it operates with respect to the disclosed graphics display with additional information, and, thus, constitutes non-functional descriptive material. Non- functional descriptive material cannot render patentable an otherwise unpatentable product or process. In re Ngai, 367 F.3d 1336, 1339 (Fed. Cir. 2004); Exparte Curry, 84 USPQ2d 1272, 1275 (BPAI 2005) (Informative Opinion) (Affirmed, Rule 36, Fed. Cir., slip op. 06-1003, June 2006) ("Common situations involving non-functional descriptive material [include] a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer).. .").

For the reasons given above, rejections on the claims are analyzed as discussed below. Claims 34-35 have been canceled.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-14, 30, 32, 36-39, 41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-14, 30, 32, 36-39, 41 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The claimed method comprising accessing..., displaying..., is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 9, 15, 18, 24-26, 32-33, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (US 2003/0020744 A1 – referred as Ellis).

Note: US 7,185,355 B1 (referred as E355), US 2005/0204388 A1 (referred as K388), US 2003/0149988 A1 (referred as E988), US 2005/0204387 A1 (referred as K387) are incorporated by reference in Ellis in their entirety (see Ellis - paragraphs 0068, 0085, 0092, 0098, 0102, 0104, 0107, 0108). All references incorporated by reference in their entireties in Ellis are treated as part of Ellis specification.

Regarding claim 1, Ellis discloses a method comprising:

accessing an electronic program guide, the electronic program guide listing a plurality of scheduled broadcast programs and comprising information associated with each of the plurality of specific instances of scheduled broadcast programs in relation to respective unique scheduled times and channels (accessing or generating an electronic program guide in response to user command, the electronic program guide listing a plurality of titles, program identifiers, channels, or times, etc. of scheduled broadcast programs in relation to respective scheduled times and channels – see include, but are not limited to, figures 4-8c; E355: figures 18, 24; E988: figures 11a-12b, 14b-14e, and discussion in "response to arguments" above);

displaying the accessed electronic program guide on the electronic display (displaying the program guide on display device - figures 4-8c);

receiving a user selection of at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs in the accessed electronic program guide (e.g., receiving user selection via user input device at least one title, or program identifier, etc. of the programs on the display screen for

recording or tuning or reference – see include, but are not limited to, figures 3-4, 6-8c, 16a-16c, 18-20b, paragraphs 0064, 0068, 0071, 0098, 0107; E355: figures 19, 22, col. 10, lines 7-17, col. 13, lines 9-57; E988: figures 14b-14c; and discussion in “Response to Arguments” above);

in response to the receiving a user selection, visually associating in the electronic program guide a user identifier with the at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs selected in the accessed electronic program guide (in response to user selection of references including selecting for recording/viewing, etc., associated Joe's identifier "J" with "Football" program or "ER" program; Mike's identifier "M" with "Dante's Peak", "SEINFELD", etc., see include, but are not limited to, figures 5-8c, 11; E355: figures 14, 24, col. 6, lines 13-57, col. 13, lines 37-56, col. 9, lines 23-30, col. 10, lines 7-17, discussion in “Response to Arguments” above).

Regarding claim 3, Ellis further discloses the scheduled broadcast programs listed in the electronic program guide are television programs (see include, but are not limited to, figures 4-8c).

Regarding claim 9, Ellis further discloses selecting at least one of the plurality of specific instances of scheduled broadcast programs in the accessed electronic program guide comprises highlighting a listing in the accessed electronic program guide corresponding to the at least one selected program (e.g., selecting at least one of the

programs on the display screen for recording or tuning or further information by highlighting the program – see include, but are not limited to, figures 6-8c, 18-20b, paragraphs 0064, 0068, 0071, 0098, 0107).

Regarding claim 32, for the limitations that correspond to the limitations of claim 1 are analyzed as discussed in the rejection of claim 1. Ellis further discloses an electronic calendar is configured to store event entries for a plurality of users (interpreted as recording list/directory is configured to store event entries such as reminders, recording schedule, etc. for a plurality of users – see include, but are not limited to, E988: figures 5, 12b, 18a-19, 25a-25b).

Regarding claim 36, the limitations that correspond to the limitation of claim 1 are analyzed as discussed in the rejection of claim 1. Ellis further discloses visually associating in the electronic program guide the user identifier with the at least one specific instance of a broadcast program of the plurality of scheduled programs selected in the accessed program guide include automatically visually associating in the electronic program guide a user identifier with at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs selected in the accessed electronic programming guide (e.g., automatically visually associating user identifier such as "M" for Mike; "J" for Joe associating with at least one of the programs based on user [preferences – see include, but are not limited to, figures 13a-14, paragraphs 0087, 0092, 0107-0110; E355: figure 24, col. 13, lines 36-55).

Regarding claim 15, the limitations of the apparatus that correspond to the limitations of the method as claimed in claim 1 are analyzed as discussed with respect to the rejection of claim 1, wherein "accessing component" and "processor" is read on the processing circuitry and other component in television facility and/or user television equipment for retrieving, processing the electronic program guide and displaying the electronic program guide on the display device - see include, but are not limited to, figures 2a-5).

Regarding claims 18, 24, and 33, the additional limitations of the apparatus as claimed correspond to the additional limitations of the method as claimed in claims 3, 9, 32 and are analyzed as discussed with respect to the rejection of claims 3, 9, 32.

Regarding claims 25-26, the limitations as claimed correspond to the limitations of claims 15, 18, and are analyzed as discussed with respect to the rejection of claims 15, 18.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-17, 19-22, 27-31, 37, 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis as applied to claim 1, 15 or 25 above, and in view of Proehl et al. (US 6,532,589 – herein after referred to as '589).

Regarding claim 41, Ellis discloses the method as discussed in the rejection of claim 1, Ellis further discloses selecting of at least one specific instance of a broadcast program of plurality of scheduled broadcast programs in the accessed electronic program guide, and thereby transferring information, associated with the at least one selected program, to an electronic calendar as at least one new broadcast event entry, each new broadcast event entry containing the information for a corresponding selected program and being stored in the electronic calendar (definition of calendar: a list or register of events or orderly list) with the time corresponding to a broadcast time of the respective at least one selected broadcast program (for example, selecting at least one of the program in the program guide listings for recording, and the information such as program title, channel, time, etc. of the program selected to be recorded is transferred into recording as new event entry of recording list/reminders list, etc. – see include, but are not limited to, figures 18-19; E988: figures 5, 14a-18f). Ellis does not explicitly disclose the information is being stored in electronic calendar **at a time** corresponding to a broadcast time of the respective at least one of the selected broadcast program.

'589 discloses the TV planner allows the user to easily view and understand the schedule of selected TV activity, include timer schedule events, events scheduled for recording, and scheduled pay per view selections, broadcast events, etc. The TV planner has a plurality of entries (e.g. boxes for July 17 – figures 9-10), each broadcast event entry containing information for a corresponding selected program (e.g. program title, channel, time) being stored in the TV planner at a time corresponding to broadcast time of the selected program – see figures 9-10, col. 8, lines 11-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by '589 in order to yield predictable result such as to improve accuracy in data entry into a calendar or to improve convenience for user.

Regarding claim 30, the additional limitation "accessing the electronic programming guide comprises accessing the electronic programming guide from the electronic calendar by selecting an icon from the electronic calendar" is read on selecting program listing, category from the directory or recording list or reminder list (see include, but are not limited to, Ellis: figures 5-8c, 18-19; K388: figures 10, 12-14; E988: figures 10111b, 18a-18f) or is alternatively read on selecting "return" or "go to guide" in TV planner (see '589, figures 9-10).

Regarding claim 37, Ellis in view of '589 discloses the method as discussed in the rejection of claim 41. Ellis further discloses transferring information to an electronic

calendar as at least one as at least one new broadcast event entry includes selecting at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs in the accessed electronic program guide, and thereby transferring information as at least one new broadcast event entry to an electronic calendar that is integrated with the electronic programming guide (transferring information including title, time, date, etc. to the recording list, reminder list, directory, etc. as new broadcast event entry when the user select at least one program on the program guide listings for recording, for setting reminder, etc.... see include, but are not limited to, figures 5-8b, 21; E988: figures 5, 10-12b, 14a-18f).

Regarding claim 42, the limitations that correspond to the limitations of claim 41 are analyzed as discussed with respect to the rejection of claim 41; wherein the storage device is interpreted as storage for storing recording list, reminder list, etc. (see include, but are not limited to, figures 2a-4; E988: figures 4-5, 7, 9, 18f or '589: figure 2), the "first accessing means..." is interpreted as means for processing the recording list, reminder list, or pending list, etc. stored in the storage device (see include, but are not limited to, E988: figures 3-10, 18a-18f) or is alternatively read on demultiplexer or access device connected memory/database that stored TV planner (see '589 include, but not limited to, figures 2, 8-10).

Regarding claim 16, Ellis in view of '589 discloses the apparatus as discussed in the rejection of claim 42. Ellis further discloses an output means component (e.g.,

component in control circuitry - figure 4) configured to generate a video output signal capable of driving a monitor (e.g., component that generates output signal capable of driving a monitor to displaying different content/program guide screen in response to user command - see include, but are not limited to, figures 4-8a), the video output signal being capable of displaying on the monitor the electronic calendar and the electronic program guide (displaying recording list, reminder list, pending list, directory, etc. and program guide - see include, but are not limited to, figures 4-8a; E988: figures 10, 12a-12b, 18a-18f).

Alternatively, '589 further discloses output means for generating a video output signal capable of driving a monitor (interpreted as demultiplexer, MPEG 25, NTSC 27 for generating a video output signal to a monitor 4 – figures 1-2,7-8, col. 4, lines 33-44; col. 5, lines 1-15), the video output signal being capable of displaying on the monitor the electronic calendar and the electronic program guide (interpreted as output signal capable of displaying on the monitor screen the TV planner and the television program guide – figures 7-10).

Regarding claim 17, Ellis in view of '589 discloses the apparatus as discussed in the rejection of claim 16. Ellis further discloses the video output signal is such that at least a portion of a displayed electronic calendar is replaced on the display by the electronic program guide when the electronic program guide is accessed (interpreted as processing circuitry, output to the television device put signal is such that at least a portion of orderly list such as orderly list of categories, types, events, or directory of

recorded programs, etc. is replaced by the electronic program guide including program name, title, or order information, etc. when user selects a particular icon/key on the orderly list or on the user input- see include, but are not limited to, figures 5-8c; E988: figures 10-12b, 18a-19), and the electronic program guide is removed from the display upon selection of the at least one of the plurality of broadcast program (interpreted as the electronic program guide is removed when the user select to watch or to record a particular program on the electronic program guide list - see include, but are not limited to, figures 18-19, figures 14a, 14c, 22, 23).

Regarding claim 19, Ellis in view of '589 discloses the apparatus as discussed in the rejection of claim 42. Ellis further discloses the scheduled broadcast programs listed in the electronic program guide are television programs (see include, but are not limited to, figures 5-8a), and wherein the information transferred from the electronic program guide to the electronic calendar comprises at least one of a name (e.g., title), start time, duration, and channel number of the selected television program (see. include, but are not limited to, figures 5, 18a-18f).

Regarding claim 20, Ellis in view of '589 discloses the apparatus as discussed in the rejection of claim 42. Ellis further information transferred comprises identification (e.g., program title, episode, etc.) of the at least one of selected broadcast program (see include, but are not limited to, E988: figures 5, 18a-18f; K388: figures 10, 12).

Regarding claim 21, Ellis in view of '589 discloses the apparatus as discussed in the rejection of claim 42. Ellis in view of 589 further discloses the processor is capable of displaying one of a reminder icon and a recording icon in the electronic calendar when a broadcast program for which a broadcast event entry has been stored in the electronic calendar is tagged for one of a reminder and a recording function, respectively (see include, but are not limited to, figures 7, 18-19; E988: figures 11a-11b, 12b, paragraphs 0125-126; '589: figures 9-10, col. 8, lines 10-60).

Regarding claim 22, Ellis in view of '589 discloses the apparatus as discussed in the rejection of claim 21. Ellis in view of 589 further discloses the broadcast program for which a broadcast event entry has been stored in the electronic calendar is tagged in the electronic program guide for one of a reminder and a recording function, respectively (see include, but are not limited to, figures 7, 18-19; E988: figures 11a-11b, 12b, paragraphs 0125-126; '589: figures 9-10, col. 8, lines 10-60).

Regarding claim 31, Ellis in view of '589 discloses the apparatus as discussed in the rejection of claim 42. Ellis in view of '589 further discloses the second accessing is configured to access the electronic program guide from the electronic calendar (see include, but are not limited to, Ellis: figures 5-7, 18-19; E988: figures 5, 10-12b, 18a-18f; or user select "return guide" in from the calendar - '589: figures 9-10).

Regarding claims 43, 27-29, the limitations that correspond to the limitations of claims 42, 19, 21-22 are analyzed as discussed in the rejection of claims 42, 19, 21-22.

8. Claims 2, 4-7, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of '589 as applied to claim 41, above, and in view of Barnett et al. (US 6,369,840).

Regarding claim 38, Ellis in view of '589 discloses the method as discussed in the rejection of claim 41. Ellis in view of '589 further discloses accessing the electronic calendar, the electronic calendar being capable of storing a plurality of event entries at a plurality of times and configured to store broadcast event entries related to scheduled broadcast programs and user generated event entries (e.g., recording list, reminder list, calendar is capable of storing plurality of event entries at plurality of times and user generated events such as recording schedule, reminder, etc. - see include, but are not limited to, E988: figures 5, 10-12a, 18a-18f; '589: figures 9-10);

displaying the accessed electronic calendar on an electronic display (see include, but are not limited to, E988: figures 5, 10-12a, 18a-18f; '589: figures 9-10). However, Ellis in view of '589 does not explicitly disclose user generated event entries related to scheduled non-broadcast related event for at least one user.

Barnett further discloses the electronic calendar configured to store broadcast event entries related to scheduled broadcast programs (e.g., Berkeley vs. Stanford, or San Francisco 49er vs. New Orleans Saints, etc. - see include, but are not limited to,

figures 12-13) and user-generated event entries related to scheduled non-broadcast-related event for at least one user (e.g., Lunch with Rebecca, or weekly 1-1 w/James/weekly status meeting – see include, but are not limited to, figures 12-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of '589 to use the teaching as further taught by Barnett in order to yield predictable results such as to expand utilizations of the electronic calendar.

Regarding claims 2, 4-7 the additional limitations correspond to the additional limitations of claims 17, 19-22 are analyzed as discussed in the rejection of claims 17, 19-22.

Regarding claim 40, the additional limitations correspond to the additional limitations discussed in claim 38 and are analyzed as discussed in the rejection of claim 38.

9. Claims 8, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis as applied to claim 1 or 15 above, and further in view of Yuen et al. (6,430,359).

Regarding claim 8, Ellis discloses a method as discussed in the rejection of claim 1. However, Ellis does not specifically disclose entering a code for a selected program, the code uniquely identifying the selected program.

Yuen discloses selecting program in the electronic program guide comprises entering a code for a selected program, the code uniquely identifying the selected

program (interpreted as select a program comprises entering compressed code or G-code, the compressed code or G-code uniquely identifying the selected program – see include, but not limited to, col. 16, lines 5-41, figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by Yuen in order yield predictable results such as to enter information of selected program simpler, faster and less error-prone (see col. 2, lines 24-31).

Regarding claim 23, the additional limitations correspond to the additional limitations of claim 8 and are analyzed as discussed with respect to the rejection of claim 8.

10. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of '589, and further in view of Yuen et al. (6,430,359).

Regarding claim 10, Ellis discloses a method comprising:

accessing an electronic calendar capable of storing a plurality of event entries at a respective plurality of times, the electronic calendar listing events in relation with times and dates (interpreted as accessing/generating recording list, reminder list, directory or any orderly list capable of storing event entries such as program title associated with channel and time, etc. at plurality of times - see include, but are not limited to, figures 5-8b, 18-19; E988: figures 5, 10-12a, 18a-18f, 25a-25b);

displaying the accessed electronic calendar on an electronic display (displaying the accessed recording list, reminder list, directory, etc. on display device such as television - see include, but are not limited to, figures 5-8b, 18-19; E988: figures 5, 10-12a, 18a-18f, 25a-25b);

receiving selection for a selected specific instance of a broadcast program the specific instance of the program being associated with a unique time and channel, using user input device or command (see include, but are not limited to, figures 4-6, 12a-12b, 18-19; E988: figures 7-12, 14a-15, 18a-18e, 25a-25b, and discussion in the rejection of claim 1);

Ellis further discloses in response to the receive the command to select a program, the information of the selected program such as title, time, channel, etc. is stored in the recording list, pending list, etc. (see include, but are not limited to, E988: figures 5, 18a-18f). Thus, the information in the command is processed to determine information associated with the selected broadcast program so that the information such as time, title, etc. associated with the selected program is recorded in the recording list, pending list, etc..

Ellis further discloses transferring information to the accessed electronic calendar as a new broadcast event entry containing the information for the selected broadcast program and being stored in the electronic calendar with the time corresponding to a broadcast time of the selected broadcast program (for example, selecting at least one of the program in the program guide listings for recording, for providing to the user based on user preferences, and the information such as program title, channel, time, etc. of

the program selected to be recorded, or program guide information provided to the user, is transferred into recording, or customized list as new event entry of recording list, reminders list, or customize list etc. – see include, but are not limited to, figures 18-19; E988: figures 5, 14a-18f; E355: figure 24, col. 13, lines 37-53);

in response to the transferring the information to the accessed electronic calendar, visually associating in the electronic calendar a user identifier with the at least one of new broadcast event entry (in response to the transferring the information to the accessed recording lists, program list when a particular category, or program listing is selected, visually associating in the recording list, or customized program guide list, a user identifier such as user 1, user 2, or "M", "J" with the at least one of the new broadcast event try (see include, but are not limited to, E988: E988: figures 5, 14a-18f; E355: figure 24, col. 13, lines 37-53 and also discussed in the rejection of claim 1).

Ellis does not explicitly disclose the information is being stored in electronic calendar **at a time** corresponding to a broadcast time of the respective at least one of the selected broadcast program; entering a code for a selected broadcast program, the code uniquely identifying the selected program.

'589 discloses the TV planner allows the user to easily view and understand the schedule of selected TV activity, include timer schedule events, events scheduled for recording, and scheduled pay per view selections, broadcast events, etc. The TV planner has a plurality of entries (e.g. boxes for July 17 – figures 9-10), each broadcast event entry containing information for a corresponding selected program (e.g. program

title, channel, time) being stored in the TV planner at a time corresponding to broadcast time of the selected program – see figures 9-10, col. 8, lines 11-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by '589 in order to yield predictable result such as to improve accuracy in data entry into a calendar or to improve convenience for user. However, Ellis in view of '589 does not explicitly disclose the entering a code for a selected broadcast program, the code uniquely identifying the selected program.

Yuen discloses selecting program in the electronic program guide comprises entering a code for a selected program, the code uniquely identifying the selected program (interpreted as select a program comprises entering compressed code or G-code, the compressed code or G-code uniquely identifying the selected program – see include, but not limited to, col. 16, lines 5-41, figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of '589 to use the teaching as taught by Yuen in order yield predictable results such as to enter information of selected program simpler, faster and less error-prone (see col. 2, lines 24-31).

Regarding claims 11-14, the additional limitations as claimed correspond to the additional limitations as claims in claims 3-4, 6-7, and are analyzed as discussed with respect to the rejection of claims 3-4, 6-7.

11. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of '589) and Yuen as applied to claim 10 above, and further in view of Barnett et al. (US 6,369,840 B1).

Regarding claim 39, Ellis in view of '589 and further in view of Yuen discloses the method as discussed in the rejection of claim 10. Ellis in view of '589 further discloses accessing the electronic calendar, the electronic calendar being capable of storing a plurality of event entries at a plurality of times includes accessing an electronic calendar capable of storing a plurality of event entries at a plurality of times, the electronic calendar being configured to store broadcast event entries related to scheduled broadcast programs and user generated event entries (e.g., recording list, customized list, reminder list, or calendar, etc. is capable of storing plurality of event entries at plurality of times and user generated events such as recording schedule, reminder, etc. - see include, but are not limited to, E988: figures 5, 10-12a, 18a-18f; '589: figures 9-10);

However, Ellis in view of '589, and Yuen does not explicitly disclose user generated event entries related to scheduled non-broadcast related event for at least one user.

Barnett further discloses the electronic calendar configured to store broadcast event entries related to scheduled broadcast programs (e.g., Berkeley vs. Stanford, or San Francisco 49er vs. New Orleans Saints, etc. – see include, but are not limited to, figures 12-13) and user-generated event entries related to scheduled non-broadcast-

related event for at least one user (e.g., Lunch with Rebecca, or weekly 1-1 w/James/weekly status meeting – see include, but are not limited to, figures 12-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of '589 and Yuen to use the teaching as further taught by Barnett in order to yield predictable results such as to expand utilizations of the electronic calendar.

12. Claims 1-33, 36-43 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. (US 2002/0049620) in view of Ellis (7,185,355).

Regarding claim 1, Uchida discloses a method comprising:

accessing an electronic programming guide, the electronic programming guide listing a plurality of specific instances of scheduled broadcast programs in relation to respective unique scheduled times and channels and comprising information associated with each of the plurality of scheduled broadcast programs (see include, but are not limited to, paragraphs 0026, 0044, 0058, 0083, figure 4);

displaying the accessed electronic programming guide on the electronic display (figure 4, paragraph 0083);

receiving a user selection of at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs in the accessed electronic programming guide (e.g., receiving user selection of program of recording reservation – see include, but are not limited to, paragraphs 0083-0090);

Uchida further discloses in response to receiving user selection, transferring information, associated with the at least one selected broadcast program, to an electronic calendar as at least one new broadcast entry, each new broadcast entry containing the information for a corresponding selected specific instance of a broadcast program and being stored in the electronic calendar at a time corresponding to a broadcast time of the respective at least one selected broadcast program (see include, but are not limited to, figure 2, 5-7, paragraphs 0090-0095, 0109-0110). Uchida does not explicitly disclose visually associating in the electronic program guide a user identifier with at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs.

Ellis discloses in response to receiving a user selection, visually associating in the electronic programming guide a user identifier with the at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs selected in the accessed electronic programming guide (e.g., in response to receiving a user selection for user preferences including recording, viewing, favorite, etc., visually associating in the EPG a user identifier such as "M" for Mike, "J" for Joe, etc. with the at least one program title or program identifier of broadcast program in accessed electronic program guide - see include, but are not limited to, figures 22-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uchida with the teaching of visually associating in the electronic program guide a user identifier with the at least one specific title, or program

identifier of a broadcast program in order to yield predictable results such as allow users to recognized favorite program easily according user input information.

Regarding claim 41, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 1. Uchida in view of Ellis further discloses the selecting at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs in the accessed electronic programming guide includes selecting at least one specific instance of a broadcast program_of the plurality of scheduled broadcast programs in the accessed electronic programming guide, and thereby transferring information, associated with the at least one selected broadcast program, to an electronic calendar as at least one new broadcast event entry, each new broadcast event entry containing the information for a corresponding selected specific instance of a broadcast program and being stored in the electronic calendar at a time corresponding to a broadcast time of the respective at least one selected broadcast program (see include, but are not limited to, Uchida: figures 4-7, paragraphs 0086-0095).

Regarding claim 38, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 41. Uchida in view of Ellis further discloses

accessing the electronic calendar, the electronic calendar being capable of storing a plurality of event entries at a plurality of times and configured to store broadcast event entries related to scheduled broadcast programs and user-generated

event entries related to scheduled non-broadcast-related events for at least one user; and displaying the accessed electronic calendar on an electronic display (see include, but are not limited to, figures 2, 5-7, paragraphs 0074, 0090-0095).

Regarding claim 2, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 38. Uchida in view of Ellis further discloses at least a portion of the displayed electronic calendar is replaced on the display by the electronic programming guide when the electronic programming guide is accessed, and the electronic programming guide is removed from the display upon selection of the at least one of the plurality of broadcast programs (e.g., selecting EPG icon on the calendar and at least portion of calendar is replaced by EPG information when the EPG is accessed, and the EPG is removed or hidden when calendar is accessed - see include, but are not limited to, Uchida: figures 2-7, paragraphs 0090-0095, 0082).

Regarding claim 3, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 1. Uchida in view of Ellis further discloses the scheduled broadcast programs listed in the electronic programming guide are television programs (see include, but are not limited to, Uchida: figure 4).

Regarding claim 4, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 38. Uchida in view of Ellis further discloses the scheduled broadcast programs listed in the electronic programming guide are television programs, and

wherein the information transferred from the electronic programming guide to the electronic calendar comprises at least one of a name, start time, duration, and channel number of the corresponding at least one selected television program (see include, but are not limited to, Uchida: figures 4-7, paragraphs 0090-0095).

Regarding claim 5, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 38. Uchida in view of Ellis further discloses the information transferred comprises an identification of the at least one selected broadcast program (see include, but are not limited to, Uchida: figure 5, paragraphs 0090-0095).

Regarding claim 6, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 38. Uchida in view of Ellis further discloses comprising displaying one of a reminder and recording icon in the electronic calendar when a broadcast program for which a broadcast event entry has been stored in the electronic calendar is tagged for one of a reminder and a recording function, respectively (see include, but are not limited to, Uchida: figures 2, 5- displaying recording icon when a broadcast program for which a broadcast event entry has been stored in the electronic calendar is tagged for recording function).

Regarding claim 7, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 6. Uchida in view of Ellis further discloses the broadcast program for which a broadcast event entry has been stored in the electronic calendar is tagged in

the electronic programming guide for one of a reminder and a recording function, respectively (see discussion in the rejection of claim 6).

Regarding claim 8, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 1. Uchida in view of Ellis further discloses wherein the selecting at least one of the plurality of specific instances of scheduled broadcast programs in the accessed electronic programming guide (see include, but are not limited to, Uchida: paragraphs 0083-0090). However, Uchida in view of Ellis does not explicitly disclose selecting comprises entering a code for a selected program, the code uniquely identifying the selected program. Official Notice is taken that selecting a program by entering a code for a selected program, the code uniquely identifying the selected program is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uchida in view of Ellis with the well known teaching of entering unique code to select a program in order to use predictable result such as allow user to select a program easily.

Regarding claim 9, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 1. Uchida in view of Ellis further discloses of selecting at least one of the plurality of specific instances of scheduled broadcast programs in the accessed electronic programming guide comprises highlighting a listing in the accessed electronic programming guide corresponding to the at least one selected program (see

include, but are not limited to. Uchida: paragraphs 0083-0090, figure 4).

Regarding claim 30, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 41. Uchida in view of Ellis further discloses wherein accessing the electronic programming guide comprises accessing the electronic programming guide from the electronic calendar by selecting an icon associated with the displayed electronic calendar (see include, but are not limited to, figures 2, 3,5, paragraphs 0082-0083).

Regarding claim 32, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 1. Uchida further discloses an electronic calendar is configured to store event entries for a user, wherein said selecting at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs in the accessed electronic programming guide includes selecting a plurality of specific instances of scheduled broadcast programs respectively associated with user (see include, but are not limited to, Uchida: figures 2, 5); Ellis discloses visually associating a user identifier in the electronic programming guide with the at least one specific instance of the plurality of scheduled broadcast programs selected in the accessed electronic programming guide includes visually associating in the electronic programming guide respective user identifiers with corresponding ones of the plurality of specific instances of scheduled broadcast programs (see include, but are not limited to, figure 24). It is obvious to one of ordinary skill in the art to use the electronic calendar to

store event entries for a plurality of users in order to allow user to share the calendar thereby improve efficiency in utilization of calendar.

Regarding claim 36, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 1. Uchida in view of Ellis further discloses wherein the visually associating in the electronic programming guide the user identifier with the at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs selected in the accessed electronic programming guide includes automatically visually associating in the electronic programming guide a user identifier with at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs selected in the accessed electronic programming guide (see include, but are not limited to, Ellis: figure 24, col. 13, lines 37-55).

Regarding claim 37, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 41. Uchida in view of Ellis further discloses, wherein selecting at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs in the accessed electronic programming guide, and thereby transferring information to an electronic calendar as at least one new broadcast event entry includes selecting at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs in the accessed electronic programming guide, and thereby transferring information as at least one new broadcast event entry to an electronic calendar that is integrated with the electronic programming guide (see

include, but are not limited to, Uchida, figures 4-5, paragraphs 0090-0095).

Regarding claim 10, Uchida discloses a method comprising:

accessing an electronic calendar capable of storing a plurality of event entries at a respective plurality of times, the electronic calendar listing events in relation to times and dates (see include, but are not limited to, figures 2, 5);

displaying the accessed electronic calendar on an electronic display (figures 2, 5);

for the limitations that correspond to limitations of claims 8, 37. 41 are analyzed as discussed in the rejections of claims 8, 37, 41.

Regarding claims 11-14, 39, the additional limitations as claimed correspond to the additional limitations as claims in claims 3-4, 6-7, 38, and are analyzed as discussed with respect to the rejection of claims 3-4, 6-7, 38.

Regarding claim 15, the limitations of the apparatus that correspond to the limitations of the method as claimed in claim 1 are analyzed as discussed with respect to the rejection of claim 1, wherein "processor" is read on the CPU and other component in television receiver for retrieving, processing the electronic program guide and displaying the electronic program guide on the display device - see include, but are not limited to, Uchida, figures 1-5; E355: figures 1, 24).

Regarding claims 18, 23-24, and 33, the additional limitations of the apparatus as claimed correspond to the additional limitations of the method as claimed in claims 3, 8-9, 32 and are analyzed as discussed with respect to the rejection of claims 3, 8-9, 32.

Regarding claim 42, the limitations that correspond to the limitations of claim 41 are analyzed as discussed with respect to the rejection of claim 41; wherein the storage device is interpreted as storage such as ROM, RAM, EEPROM, or other memory for storing electronic calendar – see include, but are not limited to, Uchida: figures 1-7).

Regarding claims 40, 31, 19-22, the additional limitations that correspond to the additional limitations of claims 39, 30, 4-7 are analyzed as discussed with respect to the rejections of claims 39, 30, 4-7.

Regarding claim 16, Uchida in view of Ellis discloses the apparatus as discussed in the rejection of claim 42. Uchida in view of Ellis further discloses an output component configured to generate a video output signal capable of driving a monitor, the video output signal being capable of displaying on the monitor the electronic calendar and the electronic programming guide (see include, but are not limited to, Uchida: figures 1-5).

Regarding claim 17, Uchida in view of Ellis discloses the apparatus as discussed in the rejection of claim 16. Uchida in view of Ellis further discloses the video output signal is such that at least a portion of the electronic calendar when displayed is replaced by the

electronic programming guide when the electronic programming guide is accessed, and the electronic programming guide when displayed is removed upon selection of a broadcast program (see figures 1-5 and discussion in the rejection of claim 2).

Regarding claims 25-26, the limitations as claimed correspond to the limitations of claims 15, 18, and are analyzed as discussed with respect to the rejection of claims 15, 18.

Regarding claims 43, 27-29, the limitations that correspond to the limitations of claims 42, 19, 21-22 are analyzed as discussed in the rejection of claims 42, 19, 21-22.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scheuring et al. (US 2002/0131565 A1) discloses calendaring systems and methods.

Suzuki et al. (US 6,590,585 B1) discloses apparatus, method, and medium for displaying a moving picture in alternative display picture formats.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

February 23, 2009